APPENDIX

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 81-3110

UNITED STATES OF AMERICA

vs.

FERRETTI, CAESAR,

Appellant

Appeal from the United States District Court for the Eastern District of Pennsylvania
(D.C. Crim. No. 79-00042)

Argued
June 15, 1982
Before: ALDISERT, GIBBONS, and HIGGINBOTHAM, Circuit Judges.

JUDGMENT ORDER

After considering the contentions raised by appellant, to-wit, that: (1) the admission in evidence of government exhibits Nos. 1 and 2 as well as the district court's refusal to strike the testimony of chemist Maria Barba was

reversible error; (2) the district court's refusal to strike the testimony of the government's principal witness, Michael Marrazzo, constituted reversible error; (3) the district court erred in denying defendant's motion for discovery of D.E.A. agent Kean's personnel file without an in camera review of said file by the trial judge; (4) the district court's refusal to compel compliance by the government with its discovery order granting the defendant the right to review the personnel file of Michael Marrazzo constituted reversible error; (5) the district court's refusal to impose sanctions as a result of the intential destruction by D.E.A. agents of their handwritten surveillance notes constituted reversible error; and (6) the district court committed prejudicial error in admitted evidence intended and calculated to suggest defendant's alleged

past criminality to the jury; it is

ADJUDGED and ORDERED that the judgment of the district court be and is hereby affirmed.

BY THE COURT,

/s/ Aldisert
Circuit Judge

Attest:

/s/ Sally Mrvos
Sally Mrvos, Clerk

DATED: June 15, 1982.

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Appellant

(E.D. Pa. Crim. No. 79-00042)

SUR PETITION FOR REHEARING

Present: SEITZ, Chief Judge, and ALDISERT, ADAMS, GIBBONS, HUNTER, WEIS, GARTH, HIGGINBOTHAM, SLOVITER and BECKER, Circuit Judges.

The petition for rehearing filed by

Appellant

in the above entitled case having been submitted to the judges who participated in the decision of this court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the circuit judges of the circuit in regular active service not having voted for rehearing by the court in banc, the petition for rehearing is denied.

By the Court,

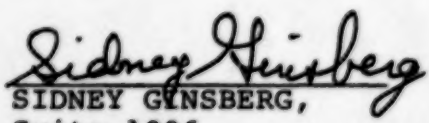
Aldisert

Judge

Dated: JUL 12 1982

CERTIFICATION OF SERVICE

I hereby certify that service of three copies of the foregoing Petition for a Writ of Certiorari was made upon the Solicitor General, Department of Justice, Washington, D.C., 20530, by Certified Mail, Return Receipt Requested, deposited in the United States Mail Box situate at 1420 Walnut Street, Philadelphia, Pennsylvania, 19102, on August 26, 1982.



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Attorney for Petitioner

DATED: August 26, 1982.